

**CITY OF SEATTLE**  
**RESOLUTION \_\_\_\_\_**

A RESOLUTION granting conceptual approval to King County Department of Natural Resources and Parks, Wastewater Treatment Division to expand, construct, maintain, and operate diversion structures in 32<sup>nd</sup> Avenue West to redirect combined sewer overflows as part of the South Magnolia Combined Sewer Overflow Control Project.

WHEREAS, King County Department of Natural Resources and Parks, Wastewater Treatment Division ("KCWTD") has applied for permission to expand an existing below-grade diversion structure facility in 32<sup>nd</sup> Avenue West with the possibility of constructing an additional below-grade diversion structure in the vicinity that may include a retaining wall, above-grade cabinet, manhole covers and hatches, and vent pipes (the "South Magnolia CSO project" or "project"); and

WHEREAS, the purpose of the project is to reduce and control stormwater flows to the combined sewer system and the frequency of combined sewer overflow ("CSO") events at Seattle Public Utility's South Magnolia Basin outfall to Puget Sound; and

WHEREAS, KCWTD has determined that installing and implementing the South Magnolia diversion structure is KCWTD's preferred option for complying with KCWTD's National Pollution Discharge Elimination System Waste Discharge Permit No. WA-002918-1 for the West Point Wastewater Treatment Plant that requires KCWTD to limit CSO events to Puget Sound at the South Magnolia Basin to no more than one overflow per year; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation ("Director") considered the submitted plans and application materials for constructing the South Magnolia CSO project and recommends that conceptual approval be granted; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE  
MAYOR CONCURRING, THAT:**

Section 1. The City Council finds that the South Magnolia CSO project is in the public interest.

1           Section 2. As conditions for obtaining permission to construct the South Magnolia CSO  
2 project, KCWTD shall:

3           (1) Provide structural engineering and utility plans to the Seattle Department of  
4 Transportation for reviewing and permitting;

5           (2) Provide public liability insurance naming the City as an additional insured or in the  
6 form of self-insurance, either as approved by the City's Risk Manager;

7           (3) Pay all City permit fees;

8           (4) Obtain all necessary land use or building permits; and

9           (5) Remove the South Magnolia CSO project and restore the right-of-way to its original  
10 condition if KCWTD fails to perform any obligation under the term permit within a reasonable  
11 time after receiving notice by the City specifying the failure to perform.  
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13           Section 3. After this resolution is adopted, SDOT will present to the Council for its  
14 modification or approval a draft term permit ordinance that prescribes the conditions under  
15 which permission to use the right-of-way will be granted and the specific location of the  
16 diversion structures on 32<sup>nd</sup> Avenue West.  
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18           Section 4. As recommended by the Director and the Mayor, conceptual approval for  
19 construction of the South Magnolia CSO project is GRANTED.  
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Adopted by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2013, and  
signed by me in open session in authentication of its adoption this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

THE MAYOR CONCURRING:

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)